

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOSEPH SON,)	Case No.: 1:20-cv- 1726 JLT HBK (HC)
)	
Petitioner,)	ORDER ADOPTING THE FINDINGS AND
)	RECOMMENDATIONS, DENYING PETITION
v.)	FOR WRIT OF HABEAS CORPUS,
)	DIRECTING THE CLERK OF COURT TO
BRIAN KIBLER,)	CLOSE THE CASE, AND DECLINING TO
)	ISSUE CERTIFICATE OF APPEALABILITY
Respondent.)	
)	(Docs. 1, 17)
)	

Joseph Son is a state prisoner proceeding pro se with his petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. 1.) Petitioner raised three claims related to the right to counsel, jury instructions, and the imposition of assessment and fines. (*See* Doc. 17 at 2-3, citing Doc. 1 at 18-19.) The magistrate judge found Petitioner was not entitled to habeas relief on the claims raised and recommended the petition for writ of habeas corpus be denied. (*Id.* at 10-16.) The magistrate judge also recommended a certificate of appealability be denied “[b]ecause the petitioner has not made a substantial showing of the denial of a constitutional right.” (*Id.* at 16.)

The Court served the Findings and Recommendations on Petitioner and notified him that any objections were due within 14 days. (Doc. 17 at 16.) The Court advised him that the “failure to file objections within the specified time may result in the waiver of rights on appeal.” (*Id.* at 16-17, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Petitioner did not file objections, and the time to do so has passed.

1 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
2 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
3 are supported by the record and proper analysis. As the magistrate judge determined, Petitioner
4 did not make the required showing of the denial of a constitutional right. Reasonable jurists
5 would not find the Court's determination that the petition should be denied debatable or wrong,
6 or that the issues raised "deserve encouragement to proceed further." *See Miller-El v. Cockrell*,
7 537 U.S. 322, 335-36 (2003). Thus, the Court **ORDERS**:

- 8 1. The Findings and Recommendations issued on September 4, 2024 (Doc. 17) are
9 **ADOPTED** in full.
- 10 2. The petition for writ of habeas corpus (Doc. 1) is **DENIED**.
- 11 3. The Court declines to issue a certificate of appealability.
- 12 4. The Clerk of Court is directed to close the case.

13
14 IT IS SO ORDERED.

15 Dated: **September 27, 2024**


UNITED STATES DISTRICT JUDGE